



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 8, MONTANA OFFICE  
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**MEMORANDUM**

**TO:** Gwen Jacobs, 8MO  
Environmental Scientist

Elyana Sutin, 8ENF-L  
Attorney

**FROM:** Susan Zazzali, 8MO *SZ*  
Environmental Engineer

**SUBJECT:** RCRA Program Review of Asarco's Draft Statement of Work for the CWA SEP

I have reviewed Asarco's Draft Statement of Work for the Supplemental Environmental Project (SEP). The goal of the SEP is to restore the vicinity of Lower Lake to a more natural environment. My review focused on how the proposed work might interfere with the RCRA Facility Investigation (RFI) at the facility or if the RFI would damage or undo revegetation of the area covered by the SEP. My concerns are detailed below. Please be aware that we raised concerns of this nature during settlement negotiations with Asarco. During the negotiations Asarco agreed to address these issues. The Region should require Asarco to describe how they will integrate SEP and RFI activities.

Historic sampling results of soils in portions of the area covered by the SEP indicate elevated levels of metals including arsenic and lead (Hydrometrics 19994). However, it is not clear if these data accurately reflect current conditions because these areas were subsequently disturbed during CERCLA remedial actions conducted at Lower Lake. Contaminated soils remaining in the area should be identified and remediated if necessary prior to implementing either Phase 1 or Phase 2 of the SEP. The Current Conditions/Release Assessment Report (CCRA) that Asarco is currently preparing should clarify the extent of data available for this area. The CCRA is due in early September. If additional soil data is needed, it could be collected as part of the baseline vegetation and wildlife measurements planned as part of the SEP data collection plan, or it could be collected during the RCRA Facility Investigation.

At this time and prior to conducting the RFI, the scope of the RFI in the areas surrounding Lower Lake and Upper Lake is unknown, in part because we do not know enough about the soils remaining in the area., but also because the RFI process is expected to be an iterative one. Soil



clean up levels are expected to be derived later in the RCRA Corrective Action process. If Asarco chooses to investigate and remediate the areas covered by the SEP outside of the RFI (for example, through implementation of the SEP), soil clean up standards should be developed that are consistent with RCRA requirements to avoid the possibility that Asarco will have to disturb the completed SEP.

These issues can be addressed if Asarco agrees to investigate and remediate the areas in a manner that satisfies RCRA corrective action requirements prior to implementing the SEP. Investigation and remediation could occur under the SEP, as an interim measure under the consent decree, or during the RFI.

Should you have any questions about these concerns, please let me know.

cc: Chuck Figur, 8ENF-L  
Mike Goodstein, DOJ